AMENDMENTS TO THE DRAWINGS

Replacement formal drawings of Figures 1-15 are submitted concurrently herewith under a separate cover letter.

REMARKS

By this Amendment, claims 1-4 and 22-32 are cancelled, claims 5-21 are amended, and claims 33-38 are added. Thus, claims 5-21 and 33-38 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

Replacement formal drawings of Figures 1-15 are submitted concurrently herewith under a separate cover letter in order to revise the duplicate use of reference numeral 11 in Figure 7. The specification and Figure 1 denote the content distributing device B with reference numeral 13, and denote the content distributing device A with reference numeral 11. However, Figure 7 incorrectly denotes both the content distributing devices A and B as corresponding to reference numeral 11. Accordingly, Figure 7 has been revised to denote the content distributing device B with reference numeral 13 instead of reference numeral 11. Approval of the replacement formal drawings is respectfully requested.

In item 2 on page 2 of the Office Action, claims 1-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita I (Matshushita: Quan, Margaret; "Software Secure Net Music," Electronic Engineering Times, 14 August 2000, n1126 pg 24, Proquest #58025894, 2pgs) and Matsushita II (Matsushita: "Matsushita Electric (Panasonic) and InterTrust to Collaborate on Secure Music Distribution," PR Newswire, 10 January 2001, pg1, Proquest #66453094, 3 pgs) in view of Ginter et al. (U.S. 5,910,987).

This rejection is believed to be moot with respect to claims 1-4 and 22-32 in view of the cancellation of these claims.

Without intending to acquiesce to this rejection, independent claims 5 and 16 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references. Accordingly, the Applicants respectfully submit that claims 5 and 16, as well as new independent claims 33-38, are clearly patentable over the applied references for the following reasons.

The present invention provides a communication terminal device in a content distribution management system for circulating a content via a network. The content distribution management system includes a distribution management device which is operable to perform copyright management regarding the content and payment management concerning usage of the content, and a communication exchange device which is operable to provide information regarding the circulation of the content.

The present invention also provides a distribution management device in a content distribution management system for circulating a content via a network, where the content distribution management system includes a plurality of communication terminal devices which are operable to exchange a content on the network.

The communication terminal device and distribution management device of the present invention provide at least the following two novel features which are clearly not disclosed or suggested by the applied references.

First, the communication terminal device and the distribution management device of the present invention provide a secondary distribution of a content. Second, the communication terminal device and the distribution management device of the present invention provide a distribution of a content to an address that is not a request source, i.e., an address which did not request for the content to be distributed to it.

Claim 5 recites the communication terminal device of the present invention, and new claims 33, 35 and 37 recite a content usage method or program for a communication terminal device in a content distribution management system for circulating a content via a network.

Claim 16 recites the distribution management device of the present invention, and new claims 34, 36 and 38 recite a distribution management method or program for a distribution management device in a content distribution management system for circulating a convent via a network.

As recited in claim 5, the communication terminal device comprises a content receiving unit operable to receive a content from another communication terminal device, and a purchase requesting unit operable to send purchase requesting information for requesting information for requesting purchase of the received content to the distribution management device. The communication terminal device of claim 5 also comprises a right information receiving unit operable to receive, from the distribution management device, right information for enabling usage of the content which is requested to be purchased, under a certain rule, and a search requesting unit operable to send information regarding a search to the communication exchange device, receive result information regarding a predetermined search from the communication exchange device, and to specify a content and a distributor of the content based on the received result information. The communication terminal device of claim 5 also comprises a distribution requesting unit operable to send, to the specified distributor, sending requesting information for requesting sending of the specified content, and a redistributing unit operable to send the content received by the content receiving unit to another communication terminal device.

The method and program of new claims 33, 35 and 37 each comprise receiving a content from another communication terminal device, sending purchase requesting information for requesting purchase of the received content to the distribution management device, and receiving, from the distribution management device, right information for enabling usage of the content which is requested to be purchased, under a certain rule. The method and program of new claims 33, 35 and 37 each also comprise sending information regarding a search to the communication exchange device, receiving result information regarding a predetermined search from the communication exchange device, and specifying a content and a distributor of the content based on the received result information, sending, to the specified distributor, sending requesting information for requesting sending of the specified content, and sending the received content to another communication terminal device.

Accordingly, the communication terminal device, method and program of claims 5, 33, 35 and 37 each provide a secondary distribution of a content, and a distribution of a content to an address that is not a request source.

The distribution management device, method and program of claims 16, 34, 36

and 38 each include a memory unit operable to memorize information regarding copyright management of the content and information regarding payment management by associating the information with an individual content.

The distribution management device of claim 16 further includes a right information sending unit operable to specify right information according to the information regarding copyright management that is specified based on purchase requesting information for requesting purchase of a content, and to send the specified right information to a predetermined communication terminal device, when receiving the purchase requesting information from one of the communication terminal devices. The distribution management device of claim 16 also includes a payment management processing unit operable to update the information regarding copyright management and the information regarding payment management based on the received purchase requesting information.

The distribution management method and program of new claims 34, 36 and 38 each include specifying right information according to the information regarding copyright management that is specified based on purchase requesting information for requesting purchase of a content, and sending the right information to a predetermined communication terminal device, when the purchase requesting information is received from one of the communication terminal devices. Further, the distribution management method and program of new claims 34, 36 and 38 updating the information regarding copyright management and the information regarding payment management based on the received purchase requesting information.

Accordingly, the distribution management device, method and program of claims 16, 34, 36 and 38 also each provide a secondary distribution of a content, and a distribution of a content to an address that is not a request source.

Matsushita I and Matsushita II disclose that Panansonic and InterTrust have co-developed software for securely distributing music over the Internet through InterTrust's peer-to-peer distribution system, where music (contents) packaged in InterTrust's Secure Containers can be securely trasferred to Panasonic's Secure Digial (SD) audio format Memory Card devices. Ginter et al. discloses InterTrust's secure content distribution system which permits users to acquire the usage rights to a content, download the

content from a content provider, and then transfer the acquired content "to other end-user parties without requiring the direct participation of a content provider to register and/or otherwise initialize the content for use [by the other end-user parties]" (see Column 25-62).

However, Matsushita I, Matsushita II and Ginter et al. clearly do not disclose or suggest a secondary distribution of a content, and a distribution of a content to an address that is not a request source, as recited in each of claims 5, 16 and 33-38.

In particular, Matsushita I, Matsushita II and Ginter et al. clearly do not disclose or suggest, either individually or in combination, receiving a content from another communication terminal device, receiving right information for enabling usage of the content from the distribution management device, receiving result information from a communication exchange device, specifying a content and a distributor of the content based on the received result information, and redistributing the received content to another communication terminal device, as recited in each of claims 15, 33, 35 and 37.

Furthermore, Matsushita I, Matsushita II and Ginter et al. clearly do not disclose or suggest, either individually or in combination, memorizing information regarding copyright management of the content and information regarding payment management by associating the information with an individual content, specifying right information according to the copyright management informaton which is specified based on purchase requesting information, sending the specified right information to a predetermined communication terminal device, when receiving the purchase requesting device from one of the communication terminal devices, and updating the copyright management information and the payment management information based on the received purchase requesting information, as recited in each of claims 16, 34, 36 and 38.

Therefore, Matsushita I, Matsushita II and Ginter et al., either individually or in combination, clearly do not disclose or suggest clearly do not disclose or suggest, either individually or in combination, clearly do not disclose or suggest the secondary distribution of a content, and the distribution of a content to an address that is not a request source features of each of claims 5, 16 and 33-38.

Accordingly, no obvious combination of Matsushita I, Matsushita II and Ginter et al. would result in the inventions of claims 5, 16 and 33-38 since Matsushita I,

Matsushita II and Ginter et al., either individually or in combination, fail to disclose or suggest each and every limitation of claims 5, 16 and 33-38.

Furthermore, it is submitted that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Matsushita I, Matsushita II and Ginter et al. in such as manner as to result in, or otherwise render obvious, the present invention as recited in claims 5, 16 and 33-38. Therefore, it is submitted that the claims 5-16 and 33-38, as well as claims 6-15 and 17-21 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Takaaki NAMBA et al.

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

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